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THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Report of the Secretary-General

1. The present report is submitted in pursuance of paragraph 15 of Security Council resolution 841 (1993) of 16 June 1993, in which the Council requested the Secretary-General to report to it, not later than 15 July 1993, and earlier if he considered it appropriate, on progress achieved in the efforts jointly undertaken by him and the Secretary-General of the Organization of American States (OAS) with a view to reaching a political solution to the crisis in Haiti, and bearing in mind the relevant resolutions of the General Assembly, particularly resolutions 47/20 A of 24 November 1992 and 47/20 B of 23 April 1993.

2. In an oral statement delivered by the Secretary-General's Senior Political Adviser to the Security Council in informal consultations on 11 June 1993, the Council was informed that, despite the efforts deployed since the middle of December 1992 by Mr. Dante Caputo, the Special Envoy of the Secretaries-General of the United Nations and OAS, the de facto authorities in Haiti had not displayed the required political will to reach a political solution to the crisis in that country. The Secretary-General had also mentioned his belief that, in the absence of stronger pressures by the international community, the prospects for a swift and peaceful solution would be seriously in jeopardy.

3. In the days prior to the adoption of resolution 841 (1993), the Special Envoy redoubled his efforts to establish a political dialogue between the constitutional Government of Haiti and the de facto regime, bringing to the attention of the latter that, under paragraph 3 of that resolution, sanctions under Chapter VII of the Charter would come into force at 00.01 EST on 23 June 1993 unless the Secretary-General, having regard to the views of the Secretary-General of OAS, had reported to the Council that, in the light of the results of the negotiations conducted by the Special Envoy, the imposition of such measures was not warranted at that time.

4. While the Special Envoy was unable to establish a political dialogue, or consequently to achieve any concrete results prior to 23 June 1993, he eventually obtained the agreement of the President of Haiti and of the Commander-in-Chief of the Armed Forces of Haiti to participate with their respective delegations at a meeting with him at Governors Island, New York, beginning on 27 June 1993.

5. At the conclusion of that meeting, on 3 July 1993, President Jean-Bertrand Aristide and General Raoul Cédras, the Commander-in-Chief of the Armed Forces, signed an Agreement containing arrangements to be made in order to resolve the Haitian crisis. The text of the Governors Island Agreement reads as follows:

> "The President of the Republic of Haiti, Jean-Bertrand Aristide, and the Commander-in-Chief of the Armed Forces of Haiti, Lieutenant-General Raoul Cédras, have agreed that the following arrangements should be made in order to resolve the Haitian crisis. Each of them has agreed to take, within the scope of his powers, all the necessary measures for the implementation of these arrangements. Furthermore, they both, in any case, express their support for the implementation of these arrangements and pledge to cooperate in implementing them.
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> 1. Organization, under the auspices of the United Nations and the Organization of American States (OAS), of a political dialogue between representatives of the political parties represented in the Parliament, with the participation of representatives of the Presidential Commission, in order to:
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> (a) Agree to a political truce and promote a social pact to create the conditions necessary to ensure a peaceful transition;
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> (b) Reach an agreement on the procedure for enabling the Haitian Parliament to resume its normal functioning;
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> (c) Reach an agreement enabling the Parliament to confirm the Prime Minister as speedily as possible; and
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> (d) Reach an agreement permitting the adoption of the laws necessary for ensuring the transition.
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> 2. Nomination of a Prime Minister by the President of the Republic.
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> 3. Confirmation of the Prime Minister by the legally reconstituted Parliament and his assumption of office in Haiti.
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> 4. Suspension, on the initiative of the United Nations Secretary-General, of the sanctions adopted under Security Council resolution 841 (1993) and suspension, on the initiative of the Secretary-General of OAS, of the other measures adopted at the OAS Ad Hoc Meeting of Ministers of Foreign Affairs, immediately after the Prime Minister is confirmed and assumes office in Haiti.

5. Implementation, following the agreements with the constitutional Government, of international cooperation:

(a) Technical and financial assistance for development;

(b) Assistance for the administrative and judicial reform;

(c) Assistance for modernizing the Armed Forces of Haiti and establishing a new Police Force with the presence of United Nations personnel in these fields.

6. An amnesty granted by the President of the Republic within the framework of article 147 of the National Constitution and implementation of the other instruments which may be adopted by the Parliament on this question.

7. Adoption of a law establishing the new Police Force. Appointment, within this framework, of the Commander-in-Chief of the Police Force by the President of the Republic.

8. The Commander-in-Chief of the Armed Forces of Haiti has decided to avail himself of his right to early retirement and the President of the Republic shall appoint a new Commander-in-Chief of the Armed Forces in Haiti, who shall appoint the members of the General Staff, in accordance with the Constitution.

9. Return to Haiti of the President of the Republic, Jean-Bertrand Aristide, on 30 October 1993.

10. Verification by the United Nations and the Organization of American States of fulfilment of all the foregoing commitments.

The President of the Republic and the Commander-in-Chief agree that these arrangements constitute a satisfactory solution to the Haitian crisis and the beginning of a process of national reconciliation. They pledge to cooperate fully in the peaceful transition to a stable and lasting democratic society in which all Haitians will be able to live in a climate of freedom, justice, security and respect for human rights."

6. The Agreement provides for verification of all the foregoing commitments by the United Nations and OAS. The purpose of verification will be to ensure that during the transition period all concerned comply with the letter and spirit of the Agreement, especially as regards civilian control of the military and respect for human rights.

7. It would be the intention of the Secretary-General, if these arrangements are approved, to entrust the verification of the Governors Island Agreement to the Special Envoy, who would report regularly to him and to the Secretary-General of OAS. The Secretary-General will, in turn, submit regular reports to the Security Council and the General Assembly, including such recommendations as he deems fit for action to ensure full implementation of the Agreement.

8. As regards human rights, the Secretary-General would propose that the arrangements already arrived at with the constitutional Government of Haiti and with the de facto authorities for the establishment and operation of the International Civilian Mission to Haiti of the United Nations and OAS remain in effect and continue to be fully and expeditiously implemented. The Special Envoy will include the contents of the reports addressed to him by the Executive Director of the Mission in his regular reports to the Secretary-General of the United Nations and the Secretary-General of OAS.

9. The representatives of the Secretary-General will consult regularly with those of the President of Haiti in order to exchange views on progress achieved in the implementation of the Agreement.

10. As regards sanctions, the Secretary-General recommends that the Security Council, after taking note of the Agreement, endorse the proposal contained in point 4 thereof that the sanctions imposed by the Council in its resolution 841 (1993) should be suspended immediately after the ratification of the Prime Minister and his assumption of his functions in Haiti. The Secretary-General further recommends that the Council decide that the suspension of the sanctions should be automatically terminated if at any time he, having regard to the views of the Secretary-General of OAS, reports to the Council that the parties to the Governors Island Agreement or any authorities in Haiti have failed to comply in good faith with the Agreement.

11. The Secretary-General would consider that failure to comply with the undertakings would include, inter alia, refusal by the High Command of the Armed Forces to obey the decisions of the new Commander-in-Chief who is to be appointed in accordance with point 8 of the Agreement, and numerous violations of the human rights and fundamental freedoms set forth in the international instruments to which Haiti is a party and in the Constitution of Haiti.

12. Immediately after the return of President Aristide to Haiti, the Secretary-General would report to the Security Council with a view to the sanctions being lifted definitively.

13. The Secretary-General of OAS has informed the Secretary-General that he would take parallel action with respect to the measures adopted by that Organization.

14. Point 5 of the Agreement provides for the presence of United Nations personnel in Haiti to assist in the modernization of the Armed Forces and the establishment of a new police force. After the necessary consultations with the constitutional Government of Haiti, which it is hoped will be completed in the coming days, the Secretary-General will report to the Security Council with his recommendations on that aspect of the implementation of the Agreement. He will similarly report to the General Assembly, as necessary, with his recommendations relating to the implementation of assistance for development and administrative and judicial reform.

15. The Secretary-General wishes to place on record his gratitude for the assistance he and the Special Envoy have received at all times since the beginning of this process, particularly during the negotiations at Governors Island, from the Governments of Canada, France, the United States of America and

Venezuela, which have constituted themselves as "Friends of the Secretary-General" for Haiti. Their invaluable support was crucial to the successful completion of this stage of the process.

16. The provisions of the Agreement will require detailed follow-up in the months ahead. The Secretary-General is confident that they will be fully implemented, that by 30 October of this year the relevant resolutions of the Security Council and the General Assembly will have been complied with and that Haiti will be firmly set on the path to a stable democratic future in which all Haitians will fully enjoy fundamental human, civil and political rights. The Secretary-General trusts that the international community will be generous and forthcoming in providing Haiti with the technical and financial assistance required for the reconstruction of its economy and its institutions, as well as moral and political support to the Haitian people in their search for a just, peaceful and prosperous society.